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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/811,038
Filing Date: March 16, 2001
Appellant(s): FICHOU ET AL.

Matthew W. Baca (Reg. No. 42,277)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 9/1/2006 appealing from the Office action mailed 2/14/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,694,429	KALMANEK, JR. et al	2-2004
6,768,738	YAZAKI et al.	7-2004

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 8-14 and 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,694,429 to Kalmanek, Jr. et al..

As to claim 8, Kalmanek teaches a system for reserving a virtual connection from a source workstation (Device 180 in Figure 1) to a destination workstation (Device 181 in Figure 1) within a network to allow data packets of data are transmitted over a network (Network 100 in Figure 1) between an ingress node (Edge device 120 in Figure 1) of said source workstation and an egress node (Edge device 121 in Figure 1) of said destination workstation, said method: sending a setup request message for a virtual connection from said source workstation to a reservation server (col. 6, lines 47-62, Gate Controller is reservation server), wherein said reservation server includes connection setup means for setting up a virtual connection that meets a predefined Quality of Service requirement from said ingress node to said egress node (col. 9, lines 18-34); determining whether or not said setup request can be validated based on user information within said source workstation, wherein said user information is accessible by said reservation server (col. 9, lines 18-34); in response to a determination that said reservation request can be validated based on user information within said source workstation, determining whether or not the capacity of said network is sufficient to meet the requirements of said setup request (col. 10, line 47-col. 11, line 2); and in response to the capacity of said network being sufficient to meet the requirements of said setup request, establishing a virtual connection from said ingress node to said egress node (col. 8, line 59-col. 9, line 17); however Kalmanek does not explicitly teach a reservation request message sent from the workstation to a reservation server.

Kalmanek does teach a reservation request being sent as part of the setup process for the connection to be established (col. 10, lines 19-32).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Kalmanek regarding accepting a setup message for a connection with the teachings of Kalmanek regarding a reservation request because Kalmanek states that the "quality of service can be determined by the calling party" (col. 9, lines 19-34) making it obvious for the workstation in Kalmanek to explicitly send the reservation request to the reservation server.

As to claim 9, Kalmanek teaches a method according to claim 8, wherein said step of verifying that said request may be validated further comprises: verifying the authentication of said user (col. 10, lines 19-32); and verifying the user rights to obtain said virtual connection (col. 10, lines 19-32).

As to claim 10, Kalmanek teaches a method according to claim 8, further comprising in response to insufficient capacity of said IP network with respect to a previous reservation request, delivering a new reservation request form said source workstation to said reservation server, wherein said new reservation request includes new parameters that are set in accordance with the capacity of said network as reported form said reservation server to said source workstation (col. 10, lines 47-col 11, line 13).

As to claim 11, Kalmanek teaches a method according to claim 8, further comprising delivering from said reservation server to said ingress and egress nodes, information required to set up a virtual connection from said ingress node to said egress node and a flow identification of the communication to be established such that said ingress node may transmit any packet received from said source workstation over said connection (col. 9, line 34-col. 10, line 18).

As to claim 12, Kalmanek teaches a method according to claim 11, wherein the information sent by said reservation server to said ingress and egress nodes to set up a virtual connection includes a FlowID identifying the flow corresponding to the communication to be established over said virtual connection (col. 9, line 34-col. 10, line 18).

As to claim 13, Kalmanek teaches a method according t claim 12, further comprising comparing a FlowID of a new packet received by said ingress noted with at least one FlowID corresponding to at least one reserved virtual connection that has been established from said reservation server to said ingress node (col. 28, lines 4-22).

As to claim 14, Kalmanek teaches the method according to claim 12, further comprising delivering a RouteID from said reservation server to said ingress and egress nodes, wherein said RouteID identifies a route already known by said nodes (col. 28, lines 4-22).

As to claim 16-22, they feature the same limitations as claims 8-14 and are rejected for the same reasons as claims 8-14.

Claim 15 and 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,694,429 to Kalmanek, Jr. et al. in view of U.S. Patent Number 6,768,738 to Yazaki et al..

As to claim 15 and 23, Kalmanek teaches the method according to claim 11 and 20, however Kalmanek does not explicitly teach a packet including a source address, a destination address, a port number, and a QOS identifier.

Yazaki teaches a packet including a source address, a destination address, a port number, and a QOS identifier (col. 2, lines 51-67).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Kalmanek regarding the establishment of a virtual connection with the teachings of Yazaki regarding a packet including a source address, a destination address, a port number, and a QOS identifier because such information would help a router perform QOS controls (Yazaki, col. 2, lines 51-67).

(10) Response to Argument

The appellant's argument is that Kalmanek does not disclose or suggest, "a step of determining whether or not the capacity of said network is sufficient to meet requirements of said reservation request in response to a determination that said reservation request can be validated based on user information within said source workstation." The appellant goes on to say that, "Kalmanek explains only generally processing capacity is a factor determining whether a given management system can handle per-call and multiple-call reservation and handling. While user authorization checks are discussed at col. 10, lines 19-32, Kalmanek fails to provide any disclosure or suggestion of advantageously combining a user and network capacity verifications in the sequentially dependent manner recited in Appellant's claims."

The two-part, sequentially dependent verification, as claimed by the appellant, is taught by Kalmanek. Specifically, col. 9, lines 18-34, describe this process. The calling party can specify the quality of service. The service provider verifies the quality of service for each call. Col. 8, lines 38-46, describe that the quality of service that is a function of the capacities and capabilities of the network. Col. 6, lines 56-62 describes how the calling party is authorized before requesting resources, such as network capacity.

Looking at the deficiency in Kalmanek alleged by the appellant: the verification discussed in col. 9, lines 25-26 of Kalmanek is a step of determining whether or network has capacity to handle the subscriber's quality of service requirements. Col. 6, lines 56-62, explicitly shows how the subscriber is authorized for predefined quality of service requirements. The user/subscriber information is shown to come from within the source workstation, in the form of the setup request message from col. 6, lines 59-60. Communication devices 180 and 181 in Figure 1 are considered source workstations and Telephones 190 and 191 in Figure 1 can also be considered workstations.

Generally speaking, the appellant's argument that Kalmanek does not teach a two-phase authorization defies logic because it would be impossible to complete the second phase of the applicant's claim without first completing the first phase. For example, without any form of authorization, it would be impossible to determine a specific quality of service for a user because there would be no information about the user. In other words, a user must be identified before a specific request can be accommodated. There cannot be a quality of service requirement without an authorization.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Douglas Blair

DB

Conferees:

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